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President: Mr. Eliasson ..... (Sweden)

In the absence of the President, Mr. Gaspar Martins (Angola), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 81

Report of the International Criminal Court

Note by the Secretary-General (A/60/177)

The Acting President: I call on Mr. Philippe Kirsch, President of the International Criminal Court.

Mr. Kirsch (International Criminal Court): It is an honour and a pleasure for me to speak to the Assembly today on the occasion of the first report of the International Criminal Court (ICC) to the United Nations. The United Nations, and the General Assembly in particular, have always been closely linked to the Court. In 1989, this body began the process of establishing the ICC with a request to the International Law Commission. In the mid-1990s, the General Assembly was the driving force behind efforts to develop a statute for a court, and it was this body that convened the Rome Conference in 1998, which would adopt the statute of the ICC.

The Court welcomes its observer status before the General Assembly and the opportunity to submit reports on our activities in accordance with the Relationship Agreement between our institutions. In my remarks today, I would like first to update the Assembly on where the Court stands, and secondly, to speak about the cooperative relationship between the Court and the United Nations.

Since the Court submitted its written report, there have been two significant developments. First, Mexico deposited its instrument of ratification of the Rome Statute with the Secretary-General on 28 October. Mexico is thus the 100th State to become a party to the statute. That is an important milestone in the Court's development. Secondly, the Court has issued its first arrest warrants. On 8 July, Pre-Trial Chamber II issued the first arrest warrants of the Court in the situation in Uganda. Warrants have been issued for five members of the Lord's Resistance Army for alleged crimes against humanity and war crimes. Subject to the necessary cooperation in the arrest and surrender of persons, the first trials could begin next year.

The Court is now well into the judicial phase of its activities, involving both operations in the field and courtroom proceedings. As members know, four situations have been referred to the Court's Prosecutor. Three States parties have referred situations on their own territories and the Security Council, acting under Chapter VII of the United Nations Charter, has referred the situation in Darfur, in the Sudan, to the Court. In addition, Côte d'Ivoire, a non-State party, has declared its acceptance of jurisdiction over crimes on its territory. The Prosecutor has opened and is conducting investigations into the situations in Uganda, the Democratic Republic of the Congo and Darfur. The statute specifies the criteria to be considered by the

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Prosecutor in selecting situations. The Prosecutor has indicated that gravity is a major factor and that Uganda and the Democratic Republic of the Congo are the gravest situations under the treaty-based jurisdiction of the Court. The Prosecutor has also indicated that the Darfur situation, referred by the Security Council, is graver still.

Each situation referred to the Court has been assigned to a pre-trial chamber consisting of three judges. The pre-trial chambers have responsibility for the judicial aspects of situations during the investigations phase. The pre-trial chambers have held hearings and issued decisions on a number of issues, including the arrest warrants.

We must remember that the Court's investigations are occurring in situations of ongoing conflict. The security of Court staff, victims, witnesses and others who could be affected by the Court's activities are paramount concerns. Field operations also present challenges in terms of establishing reliable and secure logistics, transportation and communication in three different situations. Each situation individually also presents its own specific needs, such as in terms of local language capacity requirements. Those circumstances present practical challenges not only for the Prosecutor in his investigations, but also for the Court's other related field activities. Those activities include protecting the rights of defence, conducting outreach to explain the Court to affected local populations, and carrying out the Court's specific mandate in relation to victims and witnesses.

The Court does not have a police force of its own. Instead, the Court relies on the cooperation of States and other actors to carry out many essential functions. I have already mentioned that the cooperation of States will be required in arresting persons wanted by the Court. I must be very clear on that point — cooperation in arrest and surrender of persons is essential if there are to be trials.

Other forms of cooperation will be equally important. The Court has negotiated and is negotiating a range of agreements with States and international organizations on both general cooperation and specific issues. The Court has concluded several agreements with States on the relocation of witnesses. The Court recently concluded the first agreement with a State party regarding the enforcement of sentences. A network of effective cooperation is critical to the success of the Court. I hope that other States will soon conclude other such agreements with the Court.

(*spoke in French*)

I should like to refer briefly to a particular form of cooperation that is of specific interest: cooperation between the Court and the United Nations.

The Rome Statute, which defines the Court's activities, reaffirms the purposes and principles of the United Nations Charter. The statute's preamble explicitly sets forth several specific objectives that overlap with those of the United Nations. Those objectives include, first and foremost, the prevention and punishment of the most serious international crimes, including genocide, crimes against humanity and war crimes. Secondly, through prevention and punishment, the Court should contribute to the maintenance and restoration of international peace and security. Thirdly, the Court was designed to help in compliance with and the implementation of international law.

In order to achieve our common objectives, our institutions must work together. That is already being done in practice. Indeed, positive cooperation is under way in the Court's current activities, which for the most part are being carried out in the field. The Court's activities in the field are often undertaken in regions where the United Nations is already present. In such situations, cooperation requires both the sharing of information and coordination on such issues as security, transportation and logistics. The Court and the United Nations also cooperate in the area of institutional relations. In that field, the broad sharing of information is essential to providing the Court and the United Nations with precise and continuously updated information on their respective activities. The Court's report before the Assembly today is one aspect of that cooperation.

The Court intends to pursue and strengthen its cooperation with the United Nations in all spheres — in the field, procedural matters and our institutional relations. Such cooperation will benefit both institutions by enabling each to refine and fulfil its objectives.

Cooperation is important because both the Court and the United Nations are part of an interdependent system of international law and justice. In his 2004

report to the Security Council on the rule of law and transitional justice, the Secretary-General observed that

> "Our experience in the past decade has demonstrated clearly that the consolidation of peace in the immediate post-conflict period, as well as the maintenance of peace in the long term, cannot be achieved unless the population is confident that redress for grievances can be obtained through legitimate structures for the peaceful settlement of disputes and the fair administration of justice." (*S/2004/616, para. 2*)

The Court has a natural role to play in such situations. Other discussions in the Security Council and the General Assembly have also focused on the respective contributions of various institutions, such as the International Criminal Court, and of our collective efforts to protect individuals against the most serious crimes of concern to the international community as a whole. As I have noted today, such collective efforts are made possible by regular, concrete and absolutely essential cooperation.

(*spoke in English*)

Over 50 years ago, in the wake of the Holocaust, the newly created United Nations first took up the issue of a permanent international criminal court. The Genocide Convention, adopted by this General Assembly in 1948, envisioned that that crime of crimes could one day be punished by an international penal tribunal. The dream of a permanent international court was deferred for far too long. Now, however, we have the opportunity to ensure that the perpetrators of the worst atrocities no longer benefit from impunity, to deter future perpetrators, and to build a culture of accountability. We cannot afford to fail.

Mr. Llewellyn (United Kingdom): I have the honour to speak on behalf of the European Union. The following States align themselves with this statement: the acceding countries Bulgaria and Romania; the candidate countries Croatia and Turkey; the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro; the European Free Trade Association country Iceland, member of the European Economic Area; and other aligning countries Ukraine and Moldova.

The European Union welcomes the first annual report of the International Criminal Court (ICC) submitted to the General Assembly and we warmly welcome the President of the Court, Judge Philippe Kirsch, and thank him for his presentation today.

The European Union is a strong supporter of the ICC, has consistently and actively defended the integrity of the Rome Statute, and will continue to do so. The establishment of the ICC is beyond doubt the most significant development in recent years in the long struggle to eradicate impunity for the most serious international crimes and thereby advance the cause of justice and the rule of law. We also view the ICC as an essential instrument for the prevention of genocide, crimes against humanity and war crimes.

The European Union reaffirms its determination to obtain the widest possible international support for the ICC, including by promoting the universal acceptance of the Rome Statute. More than half of the United Nations Members are now parties. We urge all other States also to accede without delay. We particularly welcome the 100th ratification by Mexico on 28 October 2005. We also call on all States to become parties to the Agreement on the Privileges and Immunities of the International Criminal Court. The European Union will continue to defend the integrity of the Rome Statute and we recall the set of principles that we have established in that regard.

The European Union welcomes the substantial progress that has already been made in making the ICC fully operational. As the President has highlighted today, now that it is operational the ICC is dependent on the support and cooperation of all States parties, as well as other States, international organizations and civil society, in order to carry out its task of prosecuting the most serious international crimes of concern to the international community. We are determined to help the Court carry out that task and we call on all concerned to give that cooperation fully.

The ICC is well and truly up and running. It has begun to play an important role in our common efforts to establish the rule of law, to promote and encourage respect for human rights and to restore and maintain international peace and security. The judges and the Prosecutor took office in 2003, and the Court is now into the judicial phase of its operations. The Prosecutor, Mr. Moreno-Ocampo, is actively investigating situations in the Democratic Republic of

the Congo and in northern Uganda. He launched an investigation into the situation in Darfur, in the Sudan, shortly after the historic decision by the Security Council to refer that situation. Another milestone was the unsealing on 14 October this year of the first warrants of arrest concerning five senior leaders of the Lord's Resistance Army for crimes against humanity and war crimes committed in Uganda. Those were the first warrants of arrest to be unsealed by the Court. Those decisions send very clear messages to perpetrators of the most serious crimes of international concern.

The European Union commends the Court for its outreach activities in the field, which are carried out in relation to those cases. It is indeed crucial that the Court also be a reality for the victims of the most horrendous crimes. The Rome Statute contains several unique victims-based provisions that are aimed at providing victims with the opportunity to have their voices heard and to obtain justice. A Trust Fund for the benefit of the victims and their families has been set up, and we would like to encourage Member States to contribute to the Fund and to thank those States that have already done so. We recall the meeting earlier this year of the Special Working Group on the Crime of Aggression, which is open to all States on an equal footing, whether or not they are parties to the Rome Statute. We commend Ambassador Wenaweser of Liechtenstein for his skilful work in moving that Group forward and we will continue to work together with him to elaborate proposals on the crime of aggression by 2008.

The States parties to the Rome Statute are now looking forward to the next Assembly of States Parties, which will take place in The Hague at the end of November and resume in New York during January 2006. We urge all States Members of the United Nations to attend that meeting.

The European Union emphasizes the importance of the conclusion in October 2004 and the implementation of the Relationship Agreement between the United Nations and the ICC, which provides for close cooperation and consultation. We thank the Secretary-General and his staff for their work in negotiating and implementing the Agreement, both at Headquarters and in the field.

The 2005 report of the ICC to the General Assembly is a very useful update and we very much appreciate the opportunity to discuss it here today with the President of the Court. We look forward to receiving such reports annually in the General Assembly, and we welcome very much the presence of the ICC at the General Assembly in the capacity of observer and look forward to its participation in next years General Assembly debate.

Mrs. Ferrari (Saint Vincent and the Grenadines): I have the honour to speak on behalf of the Caribbean Community (CARICOM).

We wish to thank the President of the International Criminal Court (ICC), Judge Philippe Kirsch, for his earlier presentation.

The report of the International Criminal Court, which we are debating today, details significant progress in the journey of the Court towards proving its worth as a functional and effective institution. The Court, after its genesis and organizational period, has now entered the judicial phase of its operations. Three States parties have referred situations to the Prosecutor of the Court, while the Security Council, in keeping with its responsibility under the Charter for the maintenance of international peace and security, has referred one situation to the Prosecutor. Investigations into situations in the Democratic Republic of the Congo, Uganda and the Sudan are continuing, and just last month the Court unsealed five warrants of arrest against senior leaders of the Lord's Resistance Army for crimes against humanity and war crimes committed in Uganda since July 2002. The warrants include allegations of murder, abduction, sexual enslavement, mutilation, rape and the forced enlistment of children. That chilling list of some of the crimes most repugnant to mankind is exactly the kind of criminal behaviour that the Court was designed to deter. Global events in the recent past have reinforced, rather than diminished, our support for the principles enshrined in the Rome Statute.

In order to enhance its capacity to bring to justice the perpetrators of genocide, crimes against humanity, war crimes and, when included by the Assembly Of States Parties, the crime of aggression, it is essential that the Court receive full cooperation from a number of critical partners, such as States parties, States concerned, and international, regional and non-governmental organizations, in such areas as preserving and providing evidence, sharing information and securing the arrest and surrender of persons to the

Court. It is the earnest hope of CARICOM States that such cooperation will be willingly given to enable the Court to fulfil its mandate and to meet the complex and multitudinous challenges it will face in the months and years ahead. The Court must also be able to rely on the political support of States, which will guarantee justice to the victims of crimes against humanity and put an end to the culture of impunity which was so prevalent in the past in respect of such crimes. In that regard, we welcome the signing by Austria of the first Enforcement of Sentences Agreement with the Court on 27 October 2005, as provided for by article 103 of the Statute, and wish to commend the Government of Austria for that tangible demonstration of support for the ICC.

Effective collaboration between the United Nations and the Court remains of critical importance as the Court continues to gain credibility and respectability. The Rome Statute recognizes specific roles for the United Nations and the Security Council. The Relationship Agreement, signed one year ago by the President of the Court and the Secretary-General on behalf of their respective institutions, affirms the independence of the Court, while at the same time establishing a framework for cooperation. CARICOM trusts that such collaboration will be forthcoming from all quarters of the United Nations.

We view as a significant step in the consolidation of the work of the Court the Council's decision to refer the situation in Darfur to the Prosecutor. That decision, contained in resolution 1593 (2005), demonstrates the importance of cooperation between both institutions in the quest for international peace and justice. It is our hope that that major step forward will form the basis for developing a closer, constructive relationship in the future, which will ultimately benefit the victims of crimes within the jurisdiction of the Court.

CARICOM is pleased at the progress made in the intersessional meeting of the Special Working Group on the Crime of Aggression and urges the participants in the Working Group to redouble their efforts towards the completion of their mandate, to demonstrate the necessary political will and to strive to overcome the difficulties that stand in the way of consensus. We should bear in mind that the review conference will be held in the not-too-distant future and should therefore endeavour to complete our work well in advance of that conference.

CARICOM continues to support the work of the Board of Directors of the Trust Fund for Victims. We wish to underline the critical importance that the adoption of the draft regulations of the Trust Fund for Victims will have for the effective achievement of the objectives of the Trust Fund, since those regulations will govern key aspects of the work of the members of the Board, to whom we have entrusted the significant task of establishing and directing the activities of the Trust Fund and the allocation of the property and money available to it.

In light of that, we urge all States parties and other participants in the working group of the bureau on that issue to make every effort to reach agreement on the key outstanding issues in advance of the fourth Assembly of States Parties, which will be held in The Hague later this month. We wish to express our appreciation to those Governments that have contributed generously to the Trust Fund, including one CARICOM State party, Trinidad and Tobago, and encourage all States parties to give favourable consideration to making voluntary contributions of a substantial nature to the Trust Fund.

CARICOM warmly welcomes Mexico's ratification of the Rome Statute on 31 October. That 100th ratification marks an important milestone towards universal support of the International Criminal Court. CARICOM wishes once again to encourage all other States that have not yet ratified the Rome Statute to do so as soon as possible. In addition, it is important that States parties adopt, in a timely manner, the necessary implementing legislation that will enable them to render assistance and cooperation to the Court. We also encourage States parties to ratify and implement the Agreement on the Privileges and Immunities of the Court, which is an important and necessary corollary to the proper functioning of the Court. CARICOM also wishes to remind signatories and States parties to the Rome Statute of the need to preserve the integrity of the instrument by honouring their obligations under the Vienna Convention on the Law of Treaties so as to maintain the object and purpose of the statute.

In closing, the CARICOM member States wish to reaffirm our support for and commitment to the ICC. We were deeply involved in the process of the Court's creation, through its historic establishment as the international bastion safeguarding the victims of crimes that shock the conscience of mankind. But we

should not become complacent. We must continue to be resolute and vigilant in safeguarding the ideals of the Court so that it can become what it was meant by its creators to be: the upholder of international criminal law and an institution capable of bringing an end to impunity for perpetrators of the most heinous crimes.

Mr. Wali (Nigeria): I have the honour to speak on behalf of the African States parties to the Rome Statute of the International Criminal Court (ICC): Benin, Botswana, Burkina Faso, Burundi, the Central African Republic, the Congo, the Democratic Republic of the Congo, Djibouti, Gabon, the Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritius, Namibia, Niger, Nigeria, Senegal, Sierra Leone, South Africa, Uganda, the United Republic of Tanzania and Zambia. We congratulate the President of the International Criminal Court, Judge Philippe Kirsch, for his elaborate report (A/60/177) on the activities of the Court.

The ICC has made enormous strides in the period under review. Given the background to the Rome Statute, it is indeed remarkable that the number of States parties has risen to 100 within such a short period of time. We welcome the newest States parties — Mexico, the Dominican Republic and Kenya — to the ICC. We urge other United Nations Member States that have not yet done so to become States parties.

It is gratifying to note that the Court has recorded tremendous success in the area of its primary mandate, the judicial phase. The report indicates that work in that area has begun in earnest. We note that the three Pre-Trial Chambers have been established. It is encouraging that investigations have so far led to the issuance of five warrants of arrest.

It is evident that the remarkable accomplishments of the Court in so short a period would not have been possible without the exceptional leadership qualities of Judge Kirsch and we commend him for that. We also commend the Prosecutor, Mr. Luis Moreno-Ocampo, and his team of investigators for their collaborative efforts. We acknowledge the role of some international and regional organizations, including the United Nations and the African Union. We commend Uganda and the Democratic Republic of the Congo for their cooperation with the Court. We appreciate Austria having become the first country to conclude an agreement with the Court to enforce its judgements.

We recognize that the Court does not have its own police force to execute its orders. The cooperation of States parties and of international and regional organizations such as the United Nations and the African Union is therefore crucial to ensure the timely execution of the Court's orders. It is for that reason that we welcome the conclusion of the negotiations between the African Union and the ICC on a Court-wide cooperation agreement. Accordingly, we urge the relevant parties to sign the agreement as a matter of urgency. We believe that it will facilitate cooperation between the Court and the African Union.

It is our view that the growth of the Court should be accompanied by a strategic vision and positioning for future relevance and benefits for itself and States parties. We are convinced that the benefits for, and the obligations of, all stakeholders should be clearly spelled out. It is therefore gratifying to note that the Court has made it a priority to establish a strategic planning process to define its strategic goals on the basis of a five-year cycle. In that regard, we wish to make some preliminary suggestions concerning the way forward.

First, we consider it advisable that the Court adopt a strategy that is based on resources rather than on demand. Consequently, the Court may wish not to overstretch its work schedule in the field at any given time. Its complement of staff and its projected growth should be commensurate with its capacity.

Secondly, the Court's strategy should ensure that justice is actually done. For that purpose, we believe, trials should — to the extent that local circumstances permit it — be carried out in the localities where crimes have taken place. In that regard, we welcome the fact that the Court already has two field offices in affected countries. We hope that those offices will also explore the possibility of holding hearings in the affected regions.

Thirdly, it is necessary that the issue of the Court's permanent premises be linked to its strategic planning process.

Finally, the strategic planning process should address the need for the ICC to leave a legacy of lasting jurisprudence for the enforcement of international justice, particularly in the affected countries. We note that Africa is currently the sole theatre for the Court's operations. It is our hope that the justice rendered by the ICC will usher in stability

and sustainable peace and that it will permanently address the menace of impunity on the continent. That, in our view, would enhance the much-needed economic development in the affected countries.

With regard to organizational issues, our first preliminary comment is that the site for future meetings of States parties should alternate between New York and The Hague. That, in our view, would ensure the widest possible participation and attract more observers, especially at this early stage of the Court's operations. Furthermore, we welcome the fact that the Committee on Budget and Finance has largely accepted the option paper of the Bureau of the Assembly of States Parties on the establishment of a liaison office in New York. We also call for the establishment of an appropriate negotiating mechanism to finalize the negotiations on the regulations for the trust fund for victims. Finally, we call for adequate measures to ensure that the staffing of the Court is geographically representative of the membership of the Assembly of States Parties.

In closing, the African States parties to the Rome Statute reaffirm their confidence in the Court. We are certain that the committed execution of the Court's mandate remains a main pillar for the promotion and sustenance of the rule of law, good governance, democracy, human rights and, above all, the fight against impunity. We therefore reaffirm our unwavering support for the Court.

Mr. Malpede (Argentina) (*spoke in Spanish*): The Government of the Argentine Republic wishes to thank the President of the International Criminal Court, Judge Philippe Kirsch, for his statement, as well for his substantial and successful efforts during this key stage of consolidating the Court. We also wish to extend our recognition to the work of the Prosecutor, Mr. Luis Moreno-Ocampo, in this complex and challenging task. His efforts, under great pressure, have effectively helped advance the cause of justice and the objectives of the Rome Statute. We appreciate the progress made in the work of the International Criminal Court during the past year, in matters connected both to its organization and administration, as well as to the full and active exercise of its competences.

As Latin Americans, we welcome the election of Ambassador Bruno Stagno Ugarte, Permanent Representative of Costa Rica to the United Nations, as President of the Assembly of States Parties for the period from 2005 to 2007.

We also welcome the decision of the Government of Mexico to ratify the Rome Statute. Mexico's ratification of the Rome Statute represents a historic moment for the Court, as it brings the number of States parties to 100, and this reaffirms and strengthens the commitment of the international community to fight impunity.

Argentina has always underlined that the International Criminal Court is the most appropriate forum in which to combat impunity and to bring to justice those who have committed the most serious crimes against the international community as a whole. We wish to stress the historic importance of Security Council resolution 1593 (2005) concerning the situation in Darfur. It is the first time that the Council has made use of article 13 of the Rome Statute and has referred to the Prosecutor a situation where it appears that the crime committed is under the jurisdiction of the Court. It is a fundamental prerequisite that we put an end to impunity, in the framework of the rule of law and with the legitimacy that the independence and impartiality of the Court provides.

As we have expressed in the Security Council, Argentina opposes any agreement that, in general terms, would exclude the nationals of a State from the jurisdiction of the Court. This would affect the basis of the jurisdiction of the Court, and it would run counter to the objectives and purposes of the Rome Statute. The letter and spirit of the Rome Statute must be respected, and the balance between its provisions and the legitimate concerns of States must be preserved.

We are also satisfied with the development of the investigation processes in the cases of the Democratic Republic of the Congo, Uganda and Darfur. Moreover, Argentina wishes to highlight the importance, for the consolidation of the Court as an international legal institution, of the recent warrants of arrest for leaders of the Lord's Resistance Army (LRA) for crimes against humanity and war crimes committed in Uganda. These warrants of arrest constitute a milestone in one of the inquiries of the Prosecutor and are the first arrests in the history of the Court. We call upon all countries, States parties to the Rome Statute and the international community to coordinate efforts in order to ensure the arrest of the suspects.

We want to commend the work of the Board of Directors of the Trust Fund for Victims. We also welcome the recent contributions made to this Fund.

In this connection, we wish to reiterate the importance that we attach to the labour of the Special Working Group on the Crime of Aggression, open on equal conditions to all States, as well as to the possibility of holding their meetings be held at the United Nations Headquarters, as indicated by resolution 58/79.

We believe that the establishment of the International Criminal Court notably enriches the legal structure of the international community and the rule of law at a global level and will complement the efforts of national jurisdictions in order to confront crimes against humanity.

Mr. Maurer (Switzerland) (*spoke in French*): Switzerland welcomes President Philippe Kirsch to the General Assembly and also welcomes the first report of the International Criminal Court submitted by President Kirsch, which has been presented to the Assembly in compliance with the Relationship Agreement between the United Nations and the International Criminal Court adopted last year. The report shows the importance and the impressive scale of the Court's activities a mere three years after the Rome Statue came into effect. The fact that three States parties have referred their situations to the International Criminal Court and that a non-party State has recognized its competence in accordance with Article 12, paragraph 3, demonstrates very clearly that this institution meets a real need facing the international community.

The referral of the situation in Darfur to the International Criminal Court by the Security Council last March proves that the Court has become, in a very brief time, an indispensable pillar in the architecture of international peace and security.

All the situations currently being dealt with by the Court are extremely serious and characterized by brutality which, at times, can only be described as monstrous. Switzerland welcomes the strategy of the Prosecutor, which aims, in its first phase, to identify those people at the highest levels responsible for the worst crimes. Switzerland is aware of the very difficult conditions on the ground under which the Court has to work, in particular at the human, security and logistical levels. It encourages all States to cooperate fully with the Court and to help it as much as possible to carry out its mandate.

Concerning the relationship between the United Nations and the International Criminal Court, it seems to be of paramount importance that the Agreement, which came into effect last year, be fully implemented in the mutual interests of both institutions. Switzerland welcomes, in particular, the approach that the Court adopts in its relations with States, based on cooperation and positive complementarity. My country is encouraged by the way in which the Court associates all of its partners — States, international organizations and non-governmental organizations — in its courses of action. The experience gained in the area of transitional justice reveals the increased need to coordinate all activities developed in conflict or post-conflict situations.

In the execution of its mandate, the International Criminal Court has proven to be sensitive to the political context in which it operates. It is, however, clear that coordination efforts are limited by the degree of respect accorded to the Court's independence, the Court's independence being the basis of its legitimacy. From Switzerland's perspective, in this initial phase, the Court, and in particular the Prosecutor, have pursued a just line of action that is beyond reproach.

Through its commitment to transparency, honesty and professionalism, the Court has earned wide respect and enjoys increasingly strong support within the international community. In a short period of time, it has become a true cornerstone of the fight against impunity at the international level. Today, more than half of all the States of the world have become parties to the treaty. I would like to commend Mexico, which just ratified the Rome Statue a few days ago, making it the hundredth country to become a party to the statute. Switzerland calls on all States that have not yet done so to join the Rome Statute as soon as possible.

Mr. Butagira (Uganda): From the outset, Uganda aligns itself with the statement of the African Group delivered by the representative of Nigeria.

One cannot help but recoil in horror at the conjectured picture of thousands of children ruthlessly kidnapped from their homes, their parents, and their communities and subjected to witnessing gruesome killings, many even forced to take part in those horrific killings, some raped, others mutilated, and all having their innocence and sense of security irrevocably

shattered at a tender age. One cannot also help but weep for the parents, relatives and communities who were helpless to protect them — parents, relatives and tribesmen who may also have, in the process, had parts of their bodies butchered or mutilated in the worst possible way imaginable, many of the raped suffering not only from stigma and isolation, but also forced to birth and nurse the children of their tormentors, the majority infected by HIV/AIDS.

It is with regard to the plight of victims, such as those I have described, at the hands of the so-called Lord's Resistance Army (LRA) in northern Uganda and all the other victims elsewhere of similar abuses occasioned by crimes against humanity, war crimes and genocide since the entry into force of the Rome Statute, that this Assembly is gathered here today to take stock of what the international community and the International Criminal Court (ICC) have done and are likely to do to redress some of those despicable inhuman acts. The damage inflicted may never be truly repaired, but with the intervention of the Court and relevant organs, such as the Trust Fund for Victims, it may at least be mitigated. That is our hope.

I now turn to the report of the ICC circulated by the Secretary-General in accordance with the Relationship Agreement between the United Nations and the International Criminal Court. My delegation appreciates the depth with which the activities of the Court are dealt with therein.

Allow me also to thank the President of the ICC, Judge Philippe Kirsch, for his succinct and detailed introduction of the report and for the excellent manner in which he has been handling the affairs of the Court.

However, before I delve into the details of the said report, on behalf of all the victims of the Lord's Resistance Army and the peoples of Uganda, I wish to congratulate the Court upon the issuance of warrants of arrest to five members of the top leadership of the LRA after the conclusion of the investigations carried out by the office of the Prosecutor. We appreciate the fact that the wheels of justice sometimes turn slowly, but in this case so many factors had to be taken into consideration. It is of the utmost importance to the people of northern Uganda, as well as to the healing of the whole nation, that the leadership of the LRA be tried by the ICC. We call upon our neighbours to do everything in their power to help apprehend the indictees and we thank the Governments of the Sudan and the Democratic Republic of the Congo for their efforts to date.

We beg to differ with those opposing the arrest warrants on the premise that they will hamper peace prospects in northern Uganda. Both Mrs. Betty Bigombe's and the Government of Uganda's overtures to the LRA leadership have been snubbed in the past and all indicators have proved that the leaders of the LRA have no interest in giving up their heinous war and grave crimes against humanity. We urge the Assembly to consider the situation were Kony and his henchmen to be allowed to continue committing atrocities unchallenged. So far, tens of thousands of Ugandan children have been abducted to serve as soldiers, porters and sex slaves. Many have been forced to kill their fellow children in cold blood. Almost 1 million Ugandans have been displaced and forced to live in camps for internally displaced persons. Even there, they are not spared the vicious attacks of that barbaric group, and members may recall the horrific massacre at a place called the Barlonyo Camp for internally displaced persons, where 250 people were mercilessly hacked to death and their huts and property burnt. Some victims were even cooked and eaten.

There can be no lasting prospects for sustainable peace without justice. The indictment of those criminals will serve as a stark deterrent to would-be perpetrators of such crimes when they see that the Court means business. It will also strengthen the Court. Definitely, the three referrals before it are evidence of the international community's growing confidence in the Court. The confidence is further testified to by Côte d'Ivoire's lodging of a declaration accepting the jurisdiction of the Court even though it is not a State party to the Rome Statute.

In that vein, we wish to salute the Member States parties that have contributed to the 100 ratifications of the Rome Statute. The 100th ratification submitted by Mexico is indeed a milestone towards achieving the universality of the Court. We are equally pleased by the announcement that Austria has signed an Agreement with the ICC on the enforcement of the sentences to be handed down by the Court. We urge other States parties in a position to do so to offer similar support. That will serve to render the Court even more, if not fully, operational.

While we appreciate the Court's quest to recruit highly qualified staff, we urge it to ensure fair

geographical distribution of top and mid-level managerial positions to highly qualified persons. We are extremely concerned to note that, of the professional staff, an overwhelming 70 per cent come from Western countries, with only 12 per cent from Africa and a paltry 3 per cent from Asia. It is not enough for the Court to request Member States to assist it in identifying qualified candidates from the underrepresented States. The Assembly of States Parties must formulate more equitable criteria for the hiring of professional staff, as the present criteria, which are based on the United Nations model, leave a lot to be desired.

We commend the Court for the procedures it has set in motion to ensure its viability and sound management, such as the elaboration of a five-year strategic plan, the adoption of a charter for internal audit, and the setting up of the Coordination Council. With specific regard to the Registry, we commend the latter for developing a legal aid scheme to ensure sufficient means for the defence and due respect of the rights of the accused, finalizing the revised draft code of professional conduct for counsel and undertaking training programmes for relevant bodies in the Democratic Republic of the Congo and Uganda.

We applaud the efforts of the Court to continuously consult with civil society and other experts on issues related to the participation of victims in the proceedings before the Court. That will help them operationalize the provisions of the Rome Statute and the relevant rules of procedure and evidence.

Further, we note with appreciation the Court's endeavours to reach out to heads of State and Government, Government officials, parliamentarians and representatives of international and regional organizations. That will indeed help enhance acceptance and understanding of the Court. The Court's practice of involving stakeholders and consulting with various leading experts, States parties, the United Nations and non-governmental organizations will deepen its understanding of critical issues and help build efficiency and relevance.

We thank the Prosecutor for briefing the Security Council on the Office of the Prosecutor's activities in Darfur and all for similar cooperation whenever deemed appropriate. We stress the importance of continued effective cooperation between the Security Council and the Court.

We commend the Court for establishing a field office in Uganda, together with a field office and a field presence in the Democratic Republic of the Congo. Once trial proceedings begin, it may be in the interests of the Court and natural justice to hold such proceedings in the vicinity where the crimes were committed.

On its part, Uganda is doing its best to cooperate with the Court, as has been acknowledged in the report. The Government has embarked on several joint activities with civil society to sensitize the public on the work of the ICC, especially in regard to the proceedings against the Lord's Resistance Army. Further, it has elaborated a national bill on the ICC to implement the Rome Statute, which has been presented to Parliament.

When the Trust Fund for Victims was established, Ugandan victims rejoiced. We, too, rejoiced, especially when we witnessed some countries' generous contributions to the Fund. However, we have noted with dismay the trend the negotiations to elaborate criteria to disburse the funds are taking. Whereas we understand the concerns of some leading common-law countries regarding monies being made available to victims before the conviction of alleged perpetrators, we nonetheless appeal to them to recognize some victims' immediate collective needs. That is all the more poignant given that some damage, such as psychological trauma, if not addressed immediately can become irreparable, not to mention the dark despair of disillusionment.

On a final note, the Ugandan Government wishes to reiterate its support for the Court and urges the United Nations and the Security Council in particular to cooperate closely with it so that, together, they can promote adherence to and protection of the rule of law in order to deal a death blow to impunity regarding the most serious and nefarious crimes in the history of mankind.

Mr. Morote (Peru) (*spoke in Spanish*): I wish to thank Mr. Philippe Kirsch, President of the International Criminal Court, for his comprehensive and detailed presentation of his report on the Court's work. We welcome the fact that the President of the International Criminal Court has addressed the Assembly for the first time.

Peru reiterates its support for and commitment to ensuring that the International Criminal Court can

effectively fulfil its mandate and to promoting the integrity of its statute. The creation of the International Criminal Court with the adoption of the Rome Statute and its subsequent entry into force on 1 July 2002 undoubtedly represented a historic moment in which the international community decided that it would not tolerate impunity for the most serious crimes: genocide, crimes against humanity and war crimes.

The Court was conceived not only as a solid and effective instrument for ensuring that the perpetrators of such crimes should enjoy no impunity; its very existence was intended to deter future perpetrators of such atrocities. In carrying out the sensitive tasks that have been entrusted to it by its States parties, the Court shall fulfil its mission and thus help to achieve the goals of the United Nations, in particular respect for human rights and the maintenance of international peace and security.

We can be proud that we have a Court that is fully operational. It is currently undertaking investigations into cases in the Democratic Republic of the Congo, Uganda and the Sudan, and has unsealed its first arrest warrants, which marks a milestone in the fight against impunity.

In the case of Darfur, the Sudan, we welcome the Security Council's decision, through resolution 1593 (2005), to refer the report of the International Commission of Inquiry on Darfur to the International Criminal Court. Having considered other options, Peru believes that, given current circumstances, the decision to refer the matter to the Court was correct and hopes that the Council will pursue that sound practice in situations where it is deemed necessary.

We know that the investigations carried out by the International Criminal Court often run up against security problems on the ground. In that respect, cooperation between the Court and the United Nations is critical. The Relationship Agreement signed in 2004 between those two organizations is the framework instrument in that regard. Moreover, as stated in its report, the Court does not have its own police force to implement its decisions and warrants. That is why cooperation between States is necessary and important in such areas as the gathering of evidence, the arrest and surrender of individuals, and the enforcement of sentences. In that regard, we welcome the recent signing by the Government of Austria of an Agreement on the Enforcement of Sentences.

The Rome Statute recalls the role to be played by victims in the processes of the International Criminal Court. The voluntary Trust Fund for Victims was established to that end. Peru stresses the importance of the work of the Fund's Board of Directors and appeals to those States that are in a position to do so to contribute to the Fund. Peru also wishes to emphasize the work of the Special Working Group on the Crime of Aggression, a body open in full equality to all Member States. We hope that that issue will continue to be considered pursuant to the Rome Statute.

The International Criminal Court is a crucial institution in the struggle against impunity. We must not forget, however, that it complements the efforts of national jurisdictions, which are responsible for responding to criminal acts that have been identified as falling within the Court's competence. In that respect, we call on States to bring to justice the perpetrators of crimes that fall within the Court's jurisdiction and to provide expeditious legal assistance in such situations.

Before concluding, allow me to welcome Mexico's recent ratification of the Rome Statute, becoming the twentieth State of Latin America and the Caribbean to accede to the International Criminal Court and bringing the number of States parties to that international instrument to 100. We trust that more countries will join the large group of States parties to the International Criminal Court in the future.

Mr. Ozawa (Japan): At the outset, my delegation would like to thank President Philippe Kirsch for his in-depth report on the current work of the International Criminal Court (ICC).

Japan congratulates the ICC on entering into its operational phase. In 2005, the ICC initiated an investigation into the situation in Darfur, the Sudan, in addition to the investigations into the situations in the Democratic Republic of the Congo and northern Uganda. When the Security Council voted on referring the situation in Darfur to the Prosecutor of the ICC, Japan, as a member of the Security Council, voted in favour of the resolution. That resolution, we believe, was a significant step towards putting an end to impunity for one of the most serious crimes in the international community today.

In order for the ICC to win the trust of the wider international community, it is essential for the Court to demonstrate its fairness, impartiality and efficiency. The activities of the ICC are increasingly drawing the

attention of the world at large, especially since some are now shifting from the investigatory to the judicial phase. In that regard, the ICC is facing a crucial moment in its efforts to increase support for its activities within the international community.

Although Japan has yet to accede to the Rome Statute, it has actively participated as an observer in all the ICC-related meetings. Currently, we are taking part in such activities as the discussion on drafting the regulations for the Trust Fund for Victims and the task force for the draft code of professional conduct for counsel. Those are important activities which will contribute to the further development of the ICC.

As mentioned on a number of occasions, Japan is seriously considering accession to the Rome Statute. We are assessing all possible implications for our domestic criminal code system. We are also evaluating what the financial implications of accession would be against the background of Japan's serious fiscal deficits. We are aware of the growing need for budgetary expansion as the ICC begins full-scale operations. It is also true, however, that financial discipline must be maintained in order for the Court to enjoy the support of the wider international community.

Japan welcomes the fact that the number of States parties to the Rome Statute has reached 100. Japan, as a State which is considering becoming a party to the Statute, would like to emphasize the importance of the transparency and effectiveness of the work of the ICC. We hope that the Court will become a truly universal organization that commands the trust of the international community as a whole.

Mrs. Kasyanju (United Republic of Tanzania): The United Republic of Tanzania associates itself with the statement made by the representative of the Federal Republic of Nigeria on behalf of the African States parties to the Rome Statute.

My delegation would like to thank Judge Philippe Kirsch, President of the International Criminal Court (ICC), for the report in document A/60/177. The report has been submitted in accordance with provisions of the Relationship Agreement between the United Nations and the International Criminal Court. We believe that the Agreement reinforces and institutionalizes the relationship between the United Nations and the ICC, ensuring that, on both a philosophical and a practical level, those two important elements of international justice can work together.

We applaud the General Assembly's decision to consider directly in plenary reports submitted by the Court under its Relationship Agreement with the United Nations in a manner similar to the plenary's consideration of reports of the International Court of Justice and the United Nations Ad Hoc Tribunals for Rwanda and the former Yugoslavia. My delegation looks forward to good cooperation between the two bodies after the ICC is granted observer status in the General Assembly. We will closely follow the progress of the Court through its annual reports to the General Assembly.

Going through the ICC report, one cannot fail to appreciate that the main pillars of the Court — the Presidency, the Judiciary, the Office of the Prosecutor and the Registry — have all been set up and are in the process of being firmly established on the ground. Some, like the Office of the Prosecutor, have already started preliminary as well as substantive operations. We commend all who have been involved in that groundwork.

What is most significant is the fact that the ICC has entered the judicial phase of its operations. The Prosecutor has launched investigations in the Democratic Republic of the Congo and in the Republic of Uganda upon referrals by the two Member States. Furthermore, in a historical event in June this year, the Security Council referred the Darfur situation to the ICC. The Prosecutor therefore is also investigating the situation in Darfur. It is significant that arrests and indictments might be forthcoming in the near future.

That is where the issue of cooperation of States parties and the international community becomes crucial. It will be the duty of States parties and the international community to execute the arrest warrants issued by the ICC. The cooperation is not limited to arrests, but cuts across all spheres of activity of the ICC, including in strengthening the capacity of Member States in building local networks, the field of security, the establishment of logistics, information dissemination, and other areas and matters. We therefore applaud the Court's initiative in developing the so-called case matrix, which, among other services, provides on-line commentaries on how to define and prove the offences under the Rome Statute. We look forward to accessing those digital tools, which we

believe will support our domestic efforts to promote the rule of law.

There is no doubt that the success of the ICC's activities will largely depend on the extent of cooperation it gets from Member States, the international community and other entities, including international and regional organizations. We appeal to all United Nations Member States to grant the much-needed cooperation to the ICC. In the same respect, we congratulate Mexico on becoming the 100th party to the Rome Statute, and we urge more countries to ratify and accede to the Statute, taking a further step towards the universalization of the Court.

The United Republic of Tanzania would like to reaffirm its commitment to and support for the International Criminal Court, which has been established to fight impunity by trying individuals accused of the most serious violations of international humanitarian and human rights law. The ICC is meant to ensure that the perpetrators of such crimes as genocide, war crimes and crimes against humanity will be tried either in their national jurisdictions or through the ICC. We believe that the ICC is the most significant international mechanism ever created to implement international standards of justice.

Lastly, my delegation strongly supports the General Assembly draft resolution on the International Criminal Court.

Mr. Shin (Republic of Korea): I would like to begin by thanking the President of the International Criminal Court (ICC), Judge Philippe Kirsch, for his presentation of the report of the Court to the plenary of the General Assembly.

On 28 October, Mexico became the 100th State party to the ICC, marking an important milestone on the road towards universal ratification of the Rome Statute. The Republic of Korea strongly supports that goal. It is our belief that there must be a seamless web of justice throughout the world.

Currently, however, there are only 12 Asian States parties to the Rome Statute. My delegation is eager to see more Asian States become parties to the Statute as soon as possible. Asian States should also become partners for international criminal justice, which would serve the interests of peace and security in the region. We hope that the Court, as well as the States parties, will provide assistance to Asian States to enable them to prepare for accession to the Rome Statute. The Republic of Korea will do its part by engaging in outreach and advocacy efforts to encourage more Asian States to join the International Criminal Court.

My delegation is pleased to note that the Court is now a fully functional judicial institution. The Prosecutor of the Court is currently investigating situations in Uganda, the Democratic Republic of the Congo and Darfur, the Sudan. In addition, analysis of eight situations on four continents is under way, including those in the Central African Republic and Côte d'Ivoire. Operational presences are being established. Pre-Trial Chamber II has recently unsealed the arrest warrants for five senior leaders of the Lord's Resistance Army in Uganda on counts of crimes against humanity and war crimes. Trials are expected to begin in 2006.

Such progress will not only bring to justice perpetrators of heinous crimes but also serve as a deterrent to future atrocities. The Court's success will send a strong message throughout the international community that there will be no impunity for those who commit crimes against humanity, genocide or war crimes.

How the Court handles the cases referred to it will be an important determiner of the Court's future and of whether it will be embraced by the entire membership of the United Nations. To ensure the Court's best possible performance, States should provide it with the financial, logistical and political support it needs to perform its work, thus enabling the Court to realize the rule of law and to end impunity for crimes against humanity, genocide and war crimes. States Parties must ensure that assessed contributions are paid in full and on time. We also encourage voluntary contributions as an important source of resources.

In terms of the Court's functioning, it is important to note that the Court does not have its own enforcement arm. The Court needs the assistance and cooperation of States to apprehend indictees, collect evidence and execute its sentences. Thus, it is critically important that the Court receives the full cooperation of States, relevant regional organizations and United Nations operations.

The Relationship Agreement between the United Nations and the Court provides many avenues for

mutually beneficial cooperative efforts to establish the rule of law and end impunity. Particularly important areas of cooperation in the field are communications, transportation, logistics and security, including the protection of victims, witnesses and investigators, as well as the provision of access to suspects and the collection of evidence and documents.

Each of those areas requires the cooperation and the support of the United Nations. Information-sharing between the United Nations and the Court is essential both at Headquarters and in the field. To facilitate cooperation between the United Nations and the International Criminal Court, my delegation strongly supports the establishment of a Court liaison office at the United Nations and the allocation of adequate resources for its effective functioning.

We also urge the continued participation of States in the Special Working Group on the Crime of Aggression. It is important that States actively participate in that important discussion on the definition of the crime of aggression, including the conditions under which the Court would exercise its jurisdiction. My delegation looks forward to further progress on that issue in coming years.

My delegation welcomes the increasing trust of the international community in the independence, fairness, impartiality and effectiveness of the International Criminal Court. That trust was demonstrated by the referral of the situations in Uganda, the Democratic Republic of the Congo and the Central African Republic to the Court by the States themselves. The first referral to the Court by the Security Council, namely, the situation in Darfur, the Sudan, is strong testimony to the fact that peace and justice, often misunderstood as being mutually exclusive, can work hand-in-hand.

With those positive developments in mind, the Republic of Korea reaffirms its unswerving commitment to support the International Criminal Court in achieving its noble goals.

Mr. Gómez Robledo (Mexico) (*spoke in Spanish*): After five years of intense and prolonged deliberations, on 28 October, Mexico deposited its instrument of ratification of the Rome Statute. It was not easy for Mexico to become a State party. It required a complex process of constitutional reform, which in turn entailed a very broad debate within our society. That debate was probably not unlike those that have taken place in other countries that have had to take a position with respect to the International Criminal Court.

In effect, a highly conservative vision of sovereignty and the principle of non-intervention have always provided a powerful arm for those who oppose the Court. That vision cannot admit that the concept of the threat to international peace and security has been expanded to make of human rights legal rights to be monitored by the international community as a whole.

That debate, however, had a distinctive feature in Mexico. While the Rome Statute was perceived as a powerful instrument for achieving progress in strengthening the institutions for the protection of human rights, it aroused all types of fears owing to its supranational nature and to the competences the Rome Statute grants to the Security Council. The principle of complementarity on which the jurisdiction of the Court is based was something that could not be understood. The situation demonstrated that becoming a party to the Statute entailed, essentially, improving national justice systems. In short, we understand the International Criminal Court to be a deterrent to the commission of the most grave crimes, but it is also a motor for promoting the rule of law within our countries.

The democratic transition undergone by Mexico in recent years was decisive for reaching the objective set by President Vicente Fox on the first day of his term. The executive, legislative and judicial branches of government, universities, non-governmental organizations and civil society as a whole participated in the debates held to set the stage, first, for constitutional reform and, secondly, for ratification of the Statute.

None of that would have been possible without the constant support of the countries that have become friends of the Court; they constantly gave us encouragement through their experience and advice. I want particularly to underline the role played by the European Union and the Council of Europe, as well as by committed individual experts, such as the current President of the Sixth Committee.

Of course, I wish also to refer to organizations such as the Coalition for an International Criminal Court and No Peace Without Justice as well as to international institutions such as the International Committee of the Red Cross (ICRC), which took an

active part in discussions with the various Mexican representatives involved in that undertaking.

I should like to pay special tribute to President Philippe Kirsch, who visited Mexico on a number of occasions in order to hold discussions with its Congress and who also received Mexican parliamentarians at The Hague. His confidence and his tireless efforts were crucial in overcoming last-minute resistance and in dispelling any remaining doubts.

Mexico's accession to the Statute of the International Criminal Court therefore represents the culmination of a genuine act of State. We are certain that this one-hundredth ratification of the Statute will bring about further action aimed at achieving the Court's universality.

Mexico welcomes the submission to the General Assembly of the first report of the International Criminal Court and would like to thank the Court's President for having presented it. The report provides us with an opportunity to become better acquainted with the Court's activities over the past year, to identify difficulties and to determine the manner in which the international community can best cooperate in order to realize its dream of eradicating impunity for the commission of the most serious crimes of international significance.

We are pleased to see that the Court, despite having been established only recently, is fully operational. While further progress is required made in the consolidation of its structures and guidelines, which will provide it with the full array of tools necessary to its operation, the results achieved so far are commendable. Mexico reiterates its support in ensuring the consolidation of the Court by the earliest possible date.

The International Criminal Court has put into operation the machinery envisaged in its statute for the activation of its jurisdiction. Three States parties have referred to the Prosecutor situations relating to events on their own territory. Moreover, the Security Council, using the powers granted it by the statute, has also referred to the Court the situation in Darfur. One State non-party — Côte d'Ivoire — has deposited a declaration stating that it accepts the jurisdiction of the Court. Thus we can see that the Court is operating smoothly, in the manner that was envisaged by the Statute — no more, no less.

The report submitted by the President of the International Criminal Court refers to the situations that are currently being investigated by the Prosecutor. It also indicates that, for reasons related to the situation in the Democratic Republic of the Congo, one or two cases received priority in 2005 because of their extreme gravity, and that the other cases will be addressed later on. We understand the reasons underlying the selection of cases on the basis of their gravity. However, extreme caution must be used in carrying out such an exercise so as to ensure that selection does not become selectivity, which would run counter to the principles of objectivity and impartiality which should guide the actions of the Court.

The Security Council's referral of the situation in Darfur under resolution 1593 (2005) is particularly relevant in that respect. Thus, in using the mechanism provided for in article 13, paragraph b, of the statute, the Security Council is fulfilling its Charter-mandated responsibilities. Resolution 1593 (2005) establishes a delicate balance allowing the Court and the Security Council to fulfil their responsibilities in a coordinated manner. Therefore, any referral made by the Security Council must strictly accord with the letter and the spirit of the Charter and, of course, the Rome Statute.

It is important to highlight the role that the Court has played with regard to the principle of complementarity by supporting national judicial actions where possible. The objectives enshrined in the Rome Statute require that the international community as a whole and the International Criminal Court shoulder their common responsibilities through cooperation and through the application of the principles governing such cooperation.

The principle of complementarity is the keystone of this system. Not only does it serve to decide when the Court's jurisdiction should be activated, but also, and more important, the fact that the statute accords States parties jurisdictional supremacy strengthens national judicial systems. Mexico welcomes the fact that the Court, in its work, has strictly abided by the principle of complementarity.

Other important developments have taken place with respect to the work of the Court, which must be continued in order to ensure that the Court has all the instruments it needs in order fully to discharge its mandate. The adoption of practical measures that will help provide effective and comprehensive access by

victims to reparations is a sine qua non condition for achieving progress in strengthening the system established by the Court. We congratulate the Court on the progress that has been made to date as well as on the establishment of a Trust Fund for victims. We hope that the work on regulations will be concluded by the next session of the General Assembly.

Mexico has made voluntary contributions to the Fund which, while modest, reflect my country's commitment to providing support to the victims of war crimes, genocide and crimes against humanity.

Mr. Cordovez (Ecuador) (*spoke in Spanish*): Ecuador is pleased with the progress made by the International Criminal Court. Through the substantive work done over the past year, it has fully reaffirmed its judicial institutional character and operational capacity. The Court's work has eliminated any scepticism that might have arisen concerning its effectiveness, independence and impartiality. It has restored the hope that crimes against humanity will never again go unpunished.

The beginning of the Court's judicial phase with respect to the cases of the Democratic Republic of the Congo, Uganda and the Central African Republic, which voluntarily referred the situations of their respective territories to the Court, as well as the statement made by Côte d'Ivoire accepting the jurisdiction of the Court, demonstrate the confidence that States parties and non-parties have in this institution as the best-suited instrument to fight impunity and to assign responsibility for crimes against humanity.

The most important event in that context was without a doubt the Security Council's referral of the situation in Darfur. That act showed clearly that circumstances exist in which the gravity of a crime gravity and the complexity of the surrounding political situation surpass the capability of national judicial systems, and that, consequently, the only way to guarantee that the perpetrators of such crimes are punished is by submitting their respective trials to an international judicial process.

Ecuador believes that the ties between the Security Council and the Court must be strengthened and that there is a need to give full effect to the power granted the Council by the Rome Statute to refer to the Court situations of extreme gravity.

My country attaches particular importance to the situation of victims and to the recognition of their rights. Effective cooperation on the part of all is necessary to ensure that they can participate in the relevant processes, that they receive support and protection, and that they are able to seek redress beyond financial compensation.

In that context, I wish to highlight the valuable contribution that the trust fund is making on behalf of the victims and to express gratitude for the outstanding work of the members of the Board of Directors, whose efforts have made possible the full operation of the fund. Ecuador hopes that during the fourth session of the Assembly of States Parties, we will be able to reach a comprehensive agreement to approve the regulations for the trust fund.

My country is convinced that fighting impunity and ensuring the rule of law and respect for human rights will contribute mightily to the strengthening of international peace and security. We therefore believe that in order to guarantee the Court's future and its effective operation, it is essential that we achieve universal adherence to and full application of the Rome Statute. If we are to build the better world that we all want, we must participate fully in the institutions that we have created for that purpose.

My country wishes to emphasize the need to promote dialogue with all States, with their relevant actors and with the organizations associated with this cause. Let us not forget that a country's full application of the Statute and its ratification of the Agreement on the Privileges and Immunities of the Court depend fundamentally on its level of support and cooperation. Willingness to ratify the Agreement will not in itself ensure being able to overcome difficulties and pressures.

I wish to congratulate the Government of Mexico on its decision to ratify the Rome Statute, as well as to highlight the willingness and commitment of Latin America and the Caribbean concerning this issue. That is why we pledge to support the future efforts of Ambassador Bruno Stagno Ugarte, Permanent Representative of Costa Rica. We are certain that his talent and leadership will facilitate new progress for us.

Finally, I wish to express my appreciation to Prince Zeid Ra'ad Zeid Al-Hussein of Jordan for his outstanding work as President of the Assembly of

States Parties. His valuable efforts over the past three years have undoubtedly opened the way forward for us.

Mr. Stagno Ugarte (Costa Rica) (*spoke in Spanish*): I should like at the outset to thank the President of the International Criminal Court (ICC), Mr. Philippe Kirsch, for the skilful presentation he just gave us on the Court's work over the past year. We trust that the presentation of reports by the President of the Court to the General Assembly will become a regular practice on the basis of the draft resolution that we will adopt in the next few days.

The creation of the ICC is one of the international community's greatest achievements in recent years. It has served to fill the void that existed in international law concerning individual responsibility for criminal acts that violate the international legal order. It reflects the firm and irrevocable commitment of all States to bring to justice those who assault human dignity and the conscience of the international community. In that context, we welcome the fact that the Rome Statute has achieved the milestone of 100 ratifications thanks to Mexico's recent deposition of the relevant legal instrument.

Indeed, the Court represents a formidable instrument for combating impunity and a powerful deterrent against the future commission of atrocities, war crimes and crimes against humanity. It has 18 judges of the highest quality, impartiality and professionalism. Its Prosecutor is known throughout the world both for his courage and for his legal and political realism. The strategy he is implementing as he leads the Office of the Prosecutor guarantees that the Court will contribute to post-conflict peace and reconciliation as it dispenses justice. The principle of complementarity, enshrined in the Rome Statute, assures us that the Court will act — as a last resort — only when a State is unable or unwilling to judge those who commit the most serious crimes.

In that connection, we are very pleased that the Court has already begun its judicial activities by issuing the first arrest warrants against the leaders of the Lord's Resistance Army for the commission of war crimes and crimes against humanity in Uganda. We also welcome the progress made by the Office of the Prosecutor in investigating and preparing for criminal trials in the Democratic Republic of the Congo and in Darfur, gathering the necessary evidence and interrogating potential witnesses and victims. In addition, we are pleased that the Office of the Prosecutor is preparing detailed studies on seven situations of concern, including the reports of possible crimes committed in the Central African Republic. My Government particularly appreciates the readiness and good will shown by Uganda and the Democratic Republic of the Congo in referring domestic situations to the jurisdiction of this new international justice mechanism.

Moreover, we welcome the fact that the ICC and the Security Council are developing increasingly close ties. Clearly, the Court coordinates directly with the mandate of the Council to promote international peace and security. Its role as a deterrent against the commission of atrocities and war crimes broadly supplements the Council's work to ensure respect for international humanitarian law and to promote the rule of law. In that context, we are pleased that on 31 March 2005, the Security Council, acting under Chapter VII of the Charter, decided in its resolution 1593 (2005) to refer the situation in Darfur to the Court.

The Court's future effectiveness will depend on the cooperation it receives from all States and from the United Nations. United Nations cooperation at the operational level on the ground is essential to enable the Prosecutor to effectively investigate crimes committed under the Court's jurisdiction. State cooperation is also necessary both to implement arrest warrants and to facilitate the Court's functioning at The Hague.

Therefore, I should like to conclude my statement by calling upon all States to reaffirm their commitment to the International Criminal Court.

Mr. Duarte (Brazil): I should like to congratulate the President of the International Criminal Court (ICC), Judge Philippe Kirsch, on his report. His thorough presentation offers a useful view of the Court's activities and will certainly help to ensure that the ICC is able to function effectively.

The universality and integrity of the Rome Statute must be the permanent concern of those who helped to establish the Court. In that connection, Brazil welcomes the decision of the Mexican Government to ratify the Rome Statute on 28 October 2005. In becoming the one-hundredth State party to the Rome Statute, Mexico not only helped to strengthen the Court's legitimacy, but also reaffirmed our region's commitment to the fight against impunity. Now, all but

four Latin American countries have joined the Court. It is an outstanding achievement in the short history of the institution to date and a source of pride for our region. Brazil also welcomes the election of Ambassador Bruno Stagno Ugarte to the presidency of the Assembly of States Parties for the 2005-2007 term. His able leadership will certainly be essential to the Court in a period of intense work. I would also like to thank Prince Zeid Ra'ad Zeid for his invaluable contribution as Chairman of the Assembly of States Parties for the past three years.

The investigations in the Democratic Republic of Congo, Uganda and Darfur are important developments for the Court. Regarding Uganda, Brazil considers that the issuing of the first arrest warrants marks a significant step in the fight against impunity in that country.

With regard to Darfur, my delegation would like to welcome the preliminary measures taken by Prosecutor Moreno-Ocampo concerning the referral of the International Commission of Inquiry report to the ICC. Justice is crucial for establishing peace and for ending violence in Darfur. I should recall that Brazil abstained in the voting on Security Council resolution 1593 (2005), given that, in our view, our full commitment to the Court could not be adequately reflected in that text. Yet, Brazil has always endorsed the authority of the ICC as the only acceptable international criminal institution to deal with the situation in Darfur.

The referral was a historic step in the field of international criminal law; equally important will be the outcome of the investigations and the promotion of justice. We reiterate our full support for the ICC during the investigations and we will follow closely the reports of the Prosecutor to the Security Council pursuant to the provisions of resolution 1593 (2005).

The ICC's claim to universality is firmly rooted in the elaborate system of checks and balances built into the Statute. That regime provides the necessary safeguards against possible abuses and politically motivated misuse of the Court's jurisdiction. In that sense, my delegation regrets that, despite overwhelming support, the ICC was not mentioned in the outcome document of the 2005 High-level Plenary Meeting.

I would like to stress that assistance to victims is an important component of the strategy to fight impunity. In that regard, the Brazilian delegation welcomes the efforts of the Board of Directors in strengthening the Trust Fund for Victims and urges States and other entities to continue contributing to the voluntary Fund.

Finally, Brazil is confident that the presence of the ICC at the General Assembly as an observer will strengthen the cooperation between the Court and the United Nations.

Mr. Hmoud (Jordan) (*spoke in Arabic*): We are discussing today the report of the International Criminal Court (ICC), the first to be submitted to the General Assembly in accordance with the Relationship Agreement between the United Nations and the International Criminal Court. That, in and of itself, is an important event because it represents the beginning of interaction between those two bodies to serve their common goals, including the maintenance of international peace and security.

Past experience and events of the past several decades throughout the world have proven the importance of creating effective mechanisms to combat the most serious crimes, including genocide, war crimes and crimes against humanity. The perpetrators of such crimes have always imagined that their actions would go unpunished and that they enjoy impunity as a result of their status or of an international situation that might allow them to do whatever they want. That, in turn, has led to violations of the sanctity of human life and dignity and contributed to the eruption of wars and lawlessness in many parts of the world. For more than 60 years following the Second World War, the international reaction to the commission of the most serious crimes was limited.

The Security Council, convinced that impunity for the perpetrators of such crimes contributes to threats to international peace and security, established ad hoc international tribunals in a limited number of situations. Such tribunals have been signally successful in bringing perpetrators to justice. However, the decisions to establish and support such tribunals were primarily political and selective. It became clear in recent years that there was a need to create an independent judicial body with a comprehensive mandate and jurisdiction that would reflect the goal of making everyone subject to law without regard to political considerations that might impede the administration of international justice.

That is what we hoped to achieve by establishing the International Criminal Court, the rules of which, including its statute and rules of procedure and evidence, guarantee fair trials, the rights of both the accused and the defence, and high international standards. Furthermore, the ability of the victims to seek compensation from an international judicial body is a precedent in the history of international justice. Previously, a victim would be able to make claims only before national courts or through non-judicial collective settlements that entailed a loss of rights.

All of that has persuaded us to support the Court in order to achieve the purposes for which it was established. If it is endowed with the necessary resources, the ICC can subject all cases under its jurisdiction to the rule of law, deter the commission of international crimes, ensure respect for international humanitarian law and put an end to wars. Giving the Court a chance to achieve that and removing the obstacles it faces will be an important test of our seriousness about implementing the rule of law. Cooperation between the United Nations and the Court will facilitate the latter's work and expedite justice without prejudice to the independence of the two bodies. The same applies to cooperation between the ICC and States, which contributes to the Court's capacity to exercise its jurisdiction and implement its resolutions and decisions.

Jordan welcomes the report submitted by the ICC to the General Assembly, which contains a summary of the significant achievements that have been made within a very brief period of time. Those include the creation of the Court, the election of its judges and the establishment of its divisions and chambers. Jordan also appreciates the efforts of the Office of the Prosecutor, since the election of its officers, in formulating strategies for investigation and prosecution and initiating their implementation. We note the creation of the Coordination Council, comprised of the President of the Court, the Prosecutor and the Registrar, and reiterate the importance of that Council in ensuring the smooth functioning of the Court's work and the development of its strategic plans. We further consider the Court's creation of an internal oversight mechanism to be key to ensuring transparency and confidence in the Court's abilities. We consider the Court's establishment of an internal oversight mechanism to be key to ensuring transparency in its working methods and confidence in the Court's abilities.

Jordan would like to reaffirm its ongoing support for the International Criminal Court, stemming from its belief in the purposes for which it was created. We also believe that an International Criminal Court that functions well and effectively, and with an implementable statute serves the national interests of Jordan.

Finally, Jordan welcomes Mexico's ratification of the Rome Statute and calls upon all States that have not yet done so to ratify or accede to the statute.

Mr. Kaludjerović (Serbia and Montenegro): I wish to thank the President of the International Criminal Court, Judge Philippe Kirsch, for his presentation today of the report of the Court (A/60/177).

Serbia and Montenegro fully aligns itself with the statement made by the representative of the United Kingdom on behalf of the European Union.

Serbia and Montenegro welcomes the report of the International Criminal Court as an important step in the evolution of international law, following the historic milestone of the entry into force of the Rome Statute. We also welcome Mexico's accession to the Rome Statute as its one-hundredth State party truly committed to the universal values of the statute's noble goals.

We especially welcome the unsealing by Pre-Trial Chamber II, on 14 October, of the first five warrants of arrest against senior leaders of the Lord's Resistance Army for crimes against humanity and war crimes committed in Uganda. We expect further action on that case, as well as on the other two cases, which concern the tragic events in the Democratic Republic of the Congo and in the Darfur province of the Sudan. We welcome the Security Council's referral of the Darfur file to the Court, which we consider a significant step towards establishing the International Criminal Court as a custodian of international criminal justice. We remain ready to support all efforts aimed at ensuring that the perpetrators of the worst crimes known to contemporary humanity are brought to justice. To that end, we believe that the upcoming session of the Assembly of States Parties will have an important role in facilitating the Court's development as a cornerstone of justice and the protection of the most fundamental

values that we all share. That role cannot be forsaken, and no one has a moral right to deny it.

Serbia and Montenegro is proud to be among the founders of an institution in which high expectations have been placed for making the world a more just and better place. In my country, that sentiment is especially strong, following the scourge of ravaging wars and atrocities committed in the territory of the former Yugoslavia, as well as the experiences with the United Nations ad hoc Tribunal. We will do our utmost to respect and uphold our international obligations under the Rome Statute in order to ensure full implementation of all legal decisions of the International Criminal Court in our domestic legal system. That process has been ongoing through the relevant provisions of the Constitutional Charter of the State Union and through amendments to national legislation.

Through their cooperation with the United Nations ad hoc Tribunal, the Belgrade District Court, its War Crimes Chamber and the Office of the Prosecutor for War Crimes have demonstrated their professional and technical ability to process the most complex cases in accordance with international standards of justice. Furthermore, the Belgrade District Court has expressed its readiness to contribute to the establishment of an International Criminal Court database compiling all judicial decisions and cases pertaining to the substance of international criminal law, that is, the crime of genocide, crimes against humanity and war crimes.

Serbia and Montenegro supports the further strengthening of the institutional capacity and the activities of the International Criminal Court and will continue to do so both as a party to the Rome Statute and as a member of the current Bureau of the Assembly of States Parties. It has participated in the work of the group of like-minded countries known as the friends of the International Criminal Court and will continue to provide input through that group. We believe that the only way to further develop the activities and the institutional capacity of the International Criminal Court is through further cooperation and support by all States parties to the Rome Statute, and of all Members of the United Nations, with a view to ensuring the Court's universal acceptance.

Mr. McIvor (New Zealand): This year has once again seen important developments for the International Criminal Court. We welcome Mexico as the one-hundredth State party to the Rome Statute, and we warmly congratulate it, along with the Dominican Republic and Kenya, for joining the fight to end impunity.

The fact that a majority of United Nations Member States have now become party to the Rome Statute highlights the vital contribution that the Court will make to our common goal of enhanced security, justice and the rule of law. Accordingly, New Zealand continues to support efforts towards universalization of the Rome Statute, and we urge other States to follow the example of those that have recently become parties.

Last year, New Zealand urged the Security Council to recognize the role of the International Criminal Court — if that is what the circumstances require — to ensure that the perpetrators of the most serious crimes do not evade justice. New Zealand welcomes the Security Council's referral of the situation in Darfur to the Court in March this year. We also welcome the examples set by Uganda, the Democratic Republic of the Congo and the Central African Republic in referring their particular situations to the Court. We celebrate the fact that the Prosecutor has launched formal investigations into each of those situations, and we welcome the issuing of the Court's first arrest warrants, against five senior members of the Lord's Resistance Army.

New Zealand is pleased that work on the crime of aggression is progressing well. We urge States to participate actively in that work, which constitutes a fundamental element of the Court's mandate.

Despite those achievements, New Zealand recognizes that the Court still faces challenges. In the world summit outcome document (*resolution 60/1*), the absence of reference to the commitment to end impunity or of any acknowledgement of the International Criminal Court's central contribution to that goal was a significant silence. While we understand the sincerity of those few States that have reservations about the International Criminal Court, in our view the Rome Statute contains a comprehensive range of checks and balances to protect against abuse. Accordingly, while we respect the decision of those States that have decided not to become parties, we request them to accord equal respect to the rights of

States which have chosen to become party to the Rome Statute — in order to nurture the Court and to ensure that it continues to be a responsible and effective judicial mechanism.

New Zealand continues to believe that the true test of the International Criminal Court is its actions. We remain firmly committed to the Court, and we will continue to work with others to ensure that it continues to be given an opportunity to carry out its mandate. We are confident that time will demonstrate that the International Criminal Court is worthy of our trust.

Mr. Lovald (Norway): I would like to begin by expressing Norway's recognition of the continued preparatory work carried out by the International Criminal Court over the past year. We have closely followed the Court's transition from its establishment to the commencement of prosecutorial and judicial functions. The basic structures required for the Court's initial proceedings are in place, and the Court is fully operational. These important achievements mark yet another milestone in the administration of international criminal justice, thus motivating States to fulfil their duty to bring to justice persons who have committed mass atrocities.

Norway welcomes the ICC's first annual report to the General Assembly, in accordance with the Relationship Agreement between the United Nations and the ICC. We thank the President of the Court, Judge Philippe Kirsch, for his presentation of the report, which describes those achievements.

As a country dedicated to the mission of the ICC, Norway notes with satisfaction that today more than half of United Nations Member States are States parties to the Rome Statute. It is no small achievement that, only three years after the establishment of the Court, we are welcoming State party number 100 — Mexico. At the same time, Norway strongly hopes that the number of States parties will continue to rise at the same rate until we achieve universal adherence.

Over the last year, significant steps have been taken to make the court operational. Important landmarks have included the decision by the Prosecutor to launch investigations in Uganda and in the Democratic Republic of Congo; the referral of the situation in Darfur by the Security Council; and the launching of an investigation there as well.

Those are indeed important steps. However, as highlighted in the report before us as well as by the President of the Court, the ICC will need cooperation from States in these and other areas. Norway therefore calls on all States and all peoples to cooperate with the Court. We must not allow the perpetrators of genocide, crimes against humanity and war crimes to go unpunished.

We emphasize that the ICC cannot operate effectively without the protection of the Agreement on Privileges and Immunities of the Court. Norway was the first country to ratify the Agreement — a tangible demonstration of the priority we attach to the effective operation of the Court and to the promotion of its purposes. We invite all other States parties to ratify or accede to the Agreement as soon as possible. This is particularly important given that the Prosecutor is already engaged in three different investigations.

It is therefore with great expectations that we await the resumption of the fourth session of the Assembly of States Parties at the end of November. Norway urges all States to grasp this opportunity to make a joint effort to promote the development of this universal institution, bearing in mind that no institution can ever be more than the sum of the efforts invested in it.

It is with great satisfaction that we note the developing relationship between the ICC and the United Nations in their pursuit of the common goal of international peace and security.

Let me reiterate Norway's firm and longstanding commitment to the Rome Statute and to the ICC as an effective, credible and responsible instrument of justice, which we hope will enjoy the support of all States. We believe that it is in the long-term interests of all nations, irrespective of size, region or political orientation, to work for the strengthening of the rule of law. This reflects not only our consistent approach to achieving lasting peace and reconciliation through justice, but also, we believe, a realistic assessment of the needs of today's interdependent world.

Mr. Mukongo Ngay (Democratic Republic of the Congo) (*spoke in French*): After more than five years of occupation of the eastern part of the Democratic Republic of the Congo, an occupation marked by massive, systematic and clear violations of the basic norms of international humanitarian law and by grave violations of human rights that resulted in the deaths of

more than 4 million of my compatriots, the strengthening of the rule of law remains a major challenge in order to break the cycle of violence, put an end to impunity, address the root causes of the conflict and lay the foundations of a truly democratic society in my country.

With the imminent end of the political transition under way, this grim picture of the situation in the Democratic Republic of the Congo can be relegated to the twentieth century — a century tainted by genocides, deportations and massacres, including a large number of crimes of State, but a century that nevertheless saw the emergence of the age-old dream of global justice, with the adoption of the Rome Statute, its entry into force, the election of judges, the inauguration of the Court and the election of its Prosecutor.

Today not only has the Court become operational, with the opening by the Prosecutor of the first investigations, including the referral by the Security Council of the case of Darfur and the issuance of the first arrest warrants against five high-ranking officials of the Lord's Resistance Army, but it has also crossed the Rubicon on its path to universality, with the one-hundredth ratification by Mexico on 28 October last.

My delegation welcomes the activities of the International Criminal Court and of the Office of the Prosecutor, which, since the latter announced his decision to open an initial ICC inquiry into the situation in the Democratic Republic of the Congo, has launched numerous initiatives to help my country in its efforts to restore the rule of law and of State authority, which has been compromised by years of war.

We welcome the dynamic nature of the International Criminal Court which, in the context of the ongoing inquiry into crimes in the Democratic Republic of the Congo, has devoted a procedural hearing — the well-known so-called arraignment hearing — to an investigation by the Prosecutor into crimes committed in the Democratic Republic of the Congo. This is the first hearing in its history to be devoted to the contents of a case.

In the Democratic Republic of the Congo, the deterrent effect of the International Criminal Court has begun to be felt, with the announcement by the Prosecutor of the first inquiry of the ICC on its territory. That event has turned out to be deeply reassuring for the people, who have been traumatized by the consequences of war and who are now convinced that, once the Court gets going, those who are continuing to engage in massacres against the civilian population and in massive violations of human rights and international humanitarian law, as well as all those who might be planning to repeat their tragic exploits in the commission of such acts, will know that such crimes will not go unpunished.

The war in my country has done enormous harm to the civilian population, which has paid a heavy price. In that context, helping the victims, as emphasized by the Secretary-General in his report (S/2004/616) of 23 August 2004 on justice and the restoration of the rule of law during the transition period, requires of us well-thought-out compensation plans that ensure that justice is done not only for those who are guilty but also for also those whom the perpetrators have made to suffer.

This issue is of the greatest concern to the victims, who hope, through the action of the International Criminal Court, to obtain the necessary reparations, the return of their property and compensation equal to the losses incurred, especially since it is acknowledged that the Court itself can set the reparations amount without the victims' having made an explicit request in that connection when the Court deems that they are not in a position to do so.

Above and beyond all of the decisions already taken, my delegation believes that the Court can earn its reputation only when it has met the expectations of those peoples in far-flung regions of the world who have been sorely tried and who are craving justice. The expectations of the Congolese people are, of course, high ones, but it is important to see to it that the population is aware of the limits, for obvious reasons, of the Court's action — reasons ranging from the application either of the principle of complementarity or that of the non-retroactivity of the Statute to the average duration of an inquiry, which can vary from six months to three years, whereas a trial itself can last from one to three years.

At any rate, it is important to provide objective information to the Congolese people about the basic rules of the Statute of the International Criminal Court and about its rules of procedure and evidence. This should be done through outreach campaigns, workshops and scientific meetings, so that the people, aware of the rights to which they are entitled, can limit

their claims accordingly. I am especially thinking of the right of victims to participate in all stages of the trials of the International Criminal Court in order to express their views and to present their requests for restitution, compensation, rehabilitation and redress.

For that reason in particular, my delegation urges that the legal experts working for the Court should be broadly representative of the regions involved in the Court's investigations.

Because it has been established that the International Criminal Court cannot replace national justice, recourse to the jurisdiction of national courts will remain the rule, in accordance with the principle of complementarity. For that reason, our draft law on the implementation of the Rome Statute has been studied in detail by the Council of Ministers, which has submitted it to Parliament for adoption. It is also for that reason that the current process for the reform of our judicial system deserves special support and attention from the international bodies.

I take this opportunity to recall my delegation's interest in the discussions of the Special Working Group on the Crime of Aggression, whose conclusions will be useful in complementing article 5, paragraph 2, of the statute, which states that the Court shall exercise jurisdiction over the crime of aggression once a provision is adopted in accordance with articles 121 and 123 defining the crime and setting out the conditions under which the Court shall exercise jurisdiction with respect to that crime.

Reaffirming my delegation's determination to ensure respect for the integrity of the statute of the Court, I call on those States that have not yet done so to join the International Criminal Court, which ensures the universality of our fight against impunity.

In conclusion, I thank the President of the International Criminal Court, Judge Philippe Kirsch, for his comprehensive and highly instructive report and assure him of my delegation's full cooperation in the framework of the relations between my country and the Court.

Mr. Wenaweser (Liechtenstein): I would like to thank the President of the International Criminal Court for presenting the first report of the Court to the General Assembly (A/60/177). It gives us great satisfaction to see the enormous progress that the Court has made. Three States and the Security Council have referred situations to the Court, and three of those cases are under investigation by the Prosecutor. The first indictments have been issued, and a number of further situations are being monitored by the Prosecutor. Those are truly historic achievements that underscore the Court's role in the framework of our multilateral efforts to end impunity for the worst crimes known to mankind: genocide, crimes against humanity and war crimes. They are also the fruit of the highly committed and professional work of the senior officials and staff of all branches of the Court, who represent all regions of the world and bring together various legal traditions.

The International Criminal Court was born as a child of the United Nations. But now that the Court has grown up, it has become the partner of the United Nations. The Court and the United Nations, in particular through its operations in the field, must continue to strengthen their partnership on the basis of the Relationship Agreement adopted one year ago, as well as on the basis of specific agreements. Furthermore, cooperation with, and support from, the United Nations are particularly relevant regarding situations referred to the Court by the Security Council. Both institutions, as well as all States concerned, have a shared responsibility to cooperate in order to make progress in the proceedings. The International Criminal Court cannot succeed alone.

Past experience shows the enormous importance of transitional justice in the work of the United Nations in post-conflict situations. An effective partnership with the Court is therefore indispensable. At the same time, of course, our overriding goal must be to prevent the worst crimes from being committed, and in that regard, the Court is a unique tool of which we must avail ourselves.

Liechtenstein has supported the Court from the beginning and will continue to do so wherever possible. We have ratified both the Rome Statute and the Agreement on Privileges and Immunities and have adopted the necessary implementing legislation.

In the context of the Assembly of States Parties, one important priority is the work on the definition of the crime of aggression. The relevant working group — which I have the honour of chairing — is striving to elaborate specific proposals by 2008. We note with great satisfaction the increased interest in the work on that topic, which is open not only to States parties to

the Rome Statute but to all States. It is of the utmost importance that the Special Working Group on the Crime of Aggression fulfil its mandate and submit proposals on the definition of the crime of aggression to the review conference, because it is already agreed that aggression falls within the category of the worst crimes of concern to the international community as a whole. The increased interest has led to the creation of an informal virtual working group on the crime of aggression, which serves as an open platform for exchanges on that legally challenging topic outside of the regular and intersessional meetings. We look forward to continuing our discussions on that issue with all interested delegations.

We warmly welcome Mexico as the 100th State party to the Rome Statute of the International Criminal Court, thus bringing the Court another step closer to universality. We are confident that more ratifications will soon follow, and we encourage all States that have not yet done so to accede to the Rome Statute and join our efforts to translate the expression "never again" — which has been commonplace since the First World War — into action. The fact that the Court has now become operational and that we can begin to evaluate its performance should provide fresh incentive for States to consider such a move.

Mr. Rock (Canada): As many of my colleagues have observed, just a few days ago, Mexico became the 100th State party to the Rome Statute, marking a significant milestone in the campaign for universal ratification of the Rome Statute of the International Criminal Court. The majority of United Nations Member States have now joined in the fight against impunity for the gravest crimes under international law. We warmly congratulate Mexico for taking that important step, and we also congratulate the Dominican Republic and Kenya, which became States parties to the Rome Statute during the past year.

(*spoke in French*)

Far too often, war crimes, crimes against humanity and genocide have been perpetrated with blatant impunity. Bringing perpetrators of serious crimes to justice is an important element of long-term peace and reconciliation in all conflicts, and we call on all States to support the Court's work in that regard.

We are pleased to note the great progress made by the Court in just a few years of operation. Three States have now referred situations to the Court: Uganda in December 2003, the Democratic Republic of the Congo in March 2004 and the Central African Republic in January 2005. Côte d'Ivoire, which is not yet a party to the Rome Statute, has declared that it would allow the Court to exercise its jurisdiction with respect to serious crimes of international concern that may have occurred on its territory following the attempted coup d'état in September 2002.

(*spoke in English*)

Another critical landmark for the Court was the referral by the Security Council on 31 March 2005 of the situation in Darfur, the Sudan. The Prosecutor has launched formal investigations into each of those situations, and the Court recently issued its first arrest warrants against five senior members of the Lord's Resistance Army in northern Uganda.

In our view, States have nothing to fear from the International Criminal Court, which has rigorous safeguards to protect against frivolous investigations or prosecutions. While we respect the rights of States which have decided not to become parties, we demand equal respect for the rights of States which have chosen to become parties to the Rome Statute, as well as their right to nurture the Court and to ensure that it continues to be a responsible and effective judicial mechanism.

In closing, we urge all States to help strengthen the institution that is at the forefront of the campaign against impunity. Through such support we will be contributing to the entrenchment of a culture of accountability for the world's most serious crimes and, ultimately, to universal respect for the common humanity that binds us all.

Mr. Playle (Australia): Australia welcomes the first report by the President of the International Criminal Court to the General Assembly. As a strong and committed supporter of the Court, Australia welcomes the progress that the Court has made in the past year and, indeed, since its inception.

Like many others before me, I join in congratulating Mexico on becoming the one-hundredth State party to the Rome Statute. Australia also welcomes the Dominican Republic and Kenya, which became States parties to the Statute during the past year.

Judge Kirsch has provided a compelling report on the Court's progress in investigations and preparations

for trial concerning the situations currently before it. The list is a growing one. Investigations have begun in relation to the Democratic Republic of the Congo, Uganda and the Sudan. The Court is also monitoring eight other situations, including in Côte d'Ivoire and the Central African Republic.

The Court is to be commended for its investigative work, which, Australia recognizes, presents unique challenges on the ground. We welcome, in particular, the issuance of five indictments for individuals suspected of involvement in serious crimes in northern Uganda, and we look forward to action on those indictments in the near future.

Like others, Australia thinks it is appropriate to also take this opportunity to recognize the Security Council's decision, through its adoption of Council resolution 1593 (2005) on 31 March, to refer the situation in Darfur to the International Criminal Court for investigation. That is a significant decision which acknowledges the Court as an important tool in addressing impunity for the most serious international crimes. It also recognizes the role that the Court can potentially play as part of broader strategies to address issues of peace and security.

The referral of the situation in Darfur to the Court also demonstrates close cooperation between the United Nations and the International Criminal Court. Australia welcomes that cooperation and expresses the hope and the expectation that it will continue.

Mr. Amolo (Kenya): I wish to express my gratitude to Judge Philippe Kirsch, President of the International Criminal Court, for his eloquent and lucid presentation on the activities of the Court during the past year. My delegation commends him and the other officers of the Court for the coordinated and systematic manner in which they have transformed the Court from the initial set-up phase to the current operational phase, which focuses on its core judicial activities. We also express our appreciation to the Secretary-General for transmitting the report of the Court on its activities for 2004 as contained in document A/60/177.

Kenya aligns itself with the statement made by the representative of Nigeria on behalf of the African States parties to the Statute of the Court.

If the adoption of the Court's Statute seven years ago was a milestone in the reaffirmation of the rule of law at both the national and international levels, it was also an expression of the international community's determination to end impunity for the perpetrators of the most serious crimes, and a demonstration of our common resolve to guarantee international justice for those crimes.

Kenya believes that the success of the Court will depend on the support of a vast majority of the membership of this Organization. Although the pace of ratification has been slow, we are confident that as the Court enters its judicial phase, there will be a wider understanding and appreciation of its work, leading to wider participation. We are happy to note that the number of States parties now stands at 100. Judge Kirsch today accurately characterized Mexico's accession as a historic milestone. We welcome that important development.

I am also happy to report that early this year Kenya completed the requisite national processes for the ratification of the statute and deposited its instrument of ratification on 15 March 2005, thus becoming the ninety-eighth State party. We have now embarked on a series of national consultations with the relevant stakeholders to speed up the domestication of the statute. In that regard, the Government has published the International Crimes Bill, which, once enacted into law, will fully domesticate the provisions of the statute.

Kenya commends the Court for the significant progress made in its judicial activities. We note with satisfaction that the Office of the Prosecutor has continued its investigations into the situations in the Democratic Republic of the Congo and in Uganda. The issuance of the first warrants of arrest with regard to the Lord's Resistance Army is a truly welcome development. Given the gruesome picture of atrocities painted today by the representative of Uganda, that decisive step could not have occurred too soon.

We also note that the Office of the Prosecutor has commenced investigations into the situation in Darfur, following a referral earlier this year by the Security Council and that it is currently conducting an in-depth analysis of eight other situations of concern, including the referral by the Central African Republic. Those referrals are a demonstration of the increased confidence in the ability of the Court to discharge its mandate in a fair, transparent and impartial manner.

Kenya strongly supports the prosecutorial policy of the Office of the Prosecutor, which emphasizes the

key principles of complementarity and cooperation with States. We welcome the cooperation agreements between the Court and the countries under investigation and urge the Court to intensify its efforts in negotiating and concluding similar agreements with affected States and other organizations whose cooperation is critical for the success of the Court's work. In that context, and considering that all cases presently before the Court are on the African continent, we look forward to the conclusion of a cooperation agreement with the African Union.

My delegation supports the ongoing work in the Special Working Group on the Crime of Aggression. We recognize that the international criminal justice system will not be complete until the elements of the crime of aggression are fully defined. Although that crime is a different character, my delegation believes that it constitutes a serious threat to international peace and security and must be given equal attention and be subjected to the same strict regime as the other three crimes with respect to which the Court has jurisdiction. We urge States to marshal the necessary political will to enable a speedier agreement on the definition of this crime.

Kenya is confident that the relationship agreement signed between the United Nations and the International Criminal Court will enhance collaboration and strengthen the working relationship between the two institutions. We note that meetings of the Assembly of States Parties are currently being held in The Hague. It is our expectation that in future these sessions will alternate between The Hague and New York, in order to facilitate wider participation, especially for developing countries, for which travelling to The Hague entails an additional financial burden. It may also be worthwhile for the Court to explore the possibility of providing travel assistance to developing countries to enable them to participate in the meetings.

In conclusion, I reiterate Kenya's unswerving commitment to the International Criminal Court. We will continue to cooperate with it in the discharge of its mandate as a fair, independent and effective judicial institution.

Ms. Rivero (Uruguay) (*spoke in Spanish*): Allow me to congratulate the President of the International Criminal Court, Mr. Philippe Kirsch, on his introduction of the report of the Court. We join our voices to those of delegations that have already expressed their satisfaction at the significant steps already taken by the International Criminal Court (ICC). We welcome the information provided on the Court's activities this year and on those described in the report to the General Assembly (A/60/177). In particular, we are pleased that the Court has set as a priority the establishment of a strategic planning process, which we deem indispensable in order for it to function efficiently and to carry out the prudent financial management to which it is committed.

The initiation of the investigative processes in the Democratic Republic of the Congo, Uganda and Darfur has enabled the Court to begin to exercise fully its capacities as a judicial body and to begin the process of putting an end to impunity.

We wish to highlight the particular importance that we attach to the Security Council's decision, adopted in its resolution 1593 (2005), to refer the situation in Darfur to the ICC Prosecutor. Once again, the importance of international cooperation to protect human rights and to fight violations of international humanitarian law has been made clear. We also welcome the opportunity given to the Court to demonstrate that its independent and impartial action will constitute an effective mechanism for the international community to use in its fight against impunity and, in particular, to prevent crimes of such gravity.

We particularly welcome the fact that in recent days the number of ratifications of the Rome Statute has reached 100. Here, we cannot fail to point out that the one-hundredth State to ratify was Mexico, a cherished country from our region. Soon we hope to be able to congratulate other countries that will become parties in the coming year, establishing a new record for the number of ratifications.

Uruguay has been involved in the process of the establishment of the Court from the very beginning. Currently, our legislative body is studying a bill proposed by the executive branch on the implementation of the Rome Statute. The bill provides for the incorporation into our domestic criminal law of the crimes defined in the statute. Thus, our national criminal code would incorporate crimes such as genocide, war crimes and crimes against humanity, which were not previously part of it. We hope to pass this law soon, so that we can comply fully with our

obligations and thus contribute to the promotion of the ICC.

Ms. Taj El Dine (Bolivarian Republic of Venezuela) (*spoke in Spanish*): First, we would like to express our gratitude to the President of the International Criminal Court (ICC), Mr. Philippe Kirsch, for his introduction of the report on the Court (A/60/177). We have taken note of the series of measures for building the Court's capacity and ensuring that it can carry out its basic functions.

As is well known to everybody in this Hall, the Court is authorized to exercise its jurisdiction over individuals who commit the most serious crimes under international law but whose punishment has not been assured by the national courts or national legislation of the State where the crimes are alleged to have been committed. Moreover, as a judicial institution, the Court is designed to administer justice; therefore, all of its actions must be fair, impartial and effective.

Currently, war crimes are on the increase, and the Court must act against them whoever committed them. The Court cannot overlook the atrocities committed by invading Powers. Torture, inhuman treatment, rape and attacks carried out against civilian populations cannot be ignored. The Court must pass judgement on the enemies of humanity. The Court will thus demonstrate its independence and impartiality in administering justice for crimes against humanity.

In the same way, when carrying out investigations in order to guarantee the integrity of its trials, it is particularly important that the Court identify the causes that led to the commission of crimes against humanity. Our delegation believes that this element is of crucial importance during the investigative judicial phase of the Court's work. In addition, through its actions, the Court must confirm that it is independent of the interests of major Powers and their allies. Furthermore — and here I am addressing the Court directly — it is our understanding that one of the powers of the Court, and in particular of the Prosecutor, is to initiate investigations on the basis of information that is presented. There must be prior consideration of such information and conviction of its veracity.

Non-governmental organizations are among the bodies that can provide such information. Here, the judicial body will have to conduct a review during the investigative phase of trials. In this respect, the Court needs adequate criteria to identify non-governmental or civil society organizations that serve the special interests of national or international economic or political groups and that are used for the purpose of masking the truth in order to accuse States of acts that they have not committed, simply in order to achieve their goals. Therefore, our delegation is of the view that the Prosecutor must act scrupulously and with great caution in order to safeguard the reputation of the International Criminal Court. In addition, the Bolivarian Republic of Venezuela wishes to reiterate its commitment to providing the Court with institutional support and cooperation.

The Acting President: We have heard the last speaker in the debate on the agenda item. The Assembly has thus concluded this stage of its consideration of agenda item 81.

Organization of work

The Acting President: Before I adjourn the meeting, I would like to inform the General Assembly that the President of the Assembly has received a note from the Chairman of the Sixth Committee requesting that the Committee be authorized to continue its work until the end of November.

May I take it that the General Assembly decides to grant that request?

It was so decided.

The meeting rose at 6.05 p.m.